

PTO/SB/08a/b (07-08)

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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/944,389-Conf. #9864
				Filing Date	September 4, 2001
				First Named Inventor	Paul J. Davis
				Art Unit	1641
				Examiner Name	B. T. L. Nguyen
Sheet	1	of	4	Attorney Docket Number	ISA-048.06

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
BTN	A5*	US-4,727,019	02-23-1988	Valkirs et al.	
BTN	A6*	US-4,891,324	01-02-1990	Pease et al.	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)		MM-DD-YYYY			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. \* CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
BTN	C1	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Report of Randolph Wall, Ph.D., on the Validity of the Asserted Claims of the May-Davis Patents," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.		
BTN	C2	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Report of Gary S. David on the Invalidity Issues of the Asserted Claims of the May Patents," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.		
BTN	C3	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Confidential Supplemental Report of Gary S. David on the Invalidity Issues of the Asserted Claims of the May Patents and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.		
BTN	C4	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Second Supplemental Expert Witness Report of Dr. Scott A. Chambers and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.		
BTN	C5	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Wampole Laboratories Research and Development Laboratory Notebook 1608 for Gold Sol," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.		
BTN	C6	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, Inc., "Declaration of Margaret M. Mazzeo", United States District Court, District of Massachusetts, Case No. 02-12303 PBS.		
BTN	C7	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Expert Witness Report of Scott A. Chambers, Ph.D.," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.		

Examiner Signature	/Bao Thuy Nguyen/ (11/08/2006)	Date Considered	11/08/2006
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	09/944,389-Conf. #9864
				Filing Date	September 4, 2001
				First Named Inventor	Paul J. Davis
				Art Unit	1641
				Examiner Name	B. T. L. Nguyen
Sheet	2	of	4	Attorney Docket Number	ISA-048.06

BTN	C8	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Expert Report of David F. Katz, Ph.D. on Validity Issues Concerning the May and Davis Patents and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C9	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Expert Report of Professor Eric J. Toone on Validity Issues Concerning the May Patent and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C10	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Expert Report of Gene A. Davis, Ph.D. on Validity Issues Concerning the May and Davis Patents and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C11	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Memorandum in Support of Acon Laboratories' Motion for Partial Summary Judgment of Invalidity of the '862 Patent," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C12	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Memorandum in Support of Acon Laboratories' Motion for Partial Summary Judgment of Invalidity of the '598 Patent," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C13	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Memorandum in Support of Acon Laboratories' Motion for Partial Summary Judgment of Invalidity of the '660, '871, '404 and '503 Patents," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C14	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Reply Memorandum in Support of Acon Laboratories' Motion for Partial Summary Judgment of Invalidity of the '862 Patent," (28 page version) United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C15	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Reply Memorandum in Support of Acon Laboratories' Motion for Partial Summary Judgment of Invalidity of the '862 Patent," (21 page version) United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C16	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Reply Memorandum in Support of Acon Laboratories' Motion for Partial Summary Judgment of Invalidity of the '598 Patent, and Opposition to Inverness's Cross-Motion," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C17	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Memorandum in Support of Acon Laboratories' Motion for Partial Summary Judgment of Invalidity of the '660, '871, '404 and '503 Patents, and Opposition to Inverness's Cross-Motion," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C18	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Affidavit of Hajo Otten in Support of Acon Laboratories' Motions for Partial Summary Judgment of Invalidity and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	

Examiner Signature	/Bao Thuy Nguyen/ (11/08/2006)	Date Considered	11/08/2006
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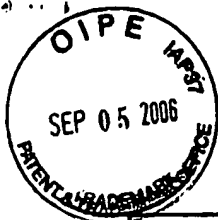
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Sheet	3	of	4	Attorney Docket Number	ISA-048.06

BTN	C19	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "First Non-Confidential Affidavit of Brian M. Kramer in Support of Acon Laboratories' Motions for Partial Summary Judgment of Invalidity and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C20	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Second Non-Confidential Affidavit of Brian M. Kramer in Support of Acon Laboratories' Motions for Partial Summary Judgment of Invalidity and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C21	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Third Non-Confidential Affidavit of Brian M. Kramer in Support of Acon Laboratories' Motions for Partial Summary Judgment of Invalidity and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C22	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Fourth Non-Confidential Affidavit of Brian M. Kramer in Support of Acon Laboratories' Motions for Partial Summary Judgment of Invalidity and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C23	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Fifth Non-Confidential Affidavit of Brian M. Kramer in Support of Acon Laboratories' Motions for Partial Summary Judgment of Invalidity and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C24	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Memorandum in Support of Plaintiffs' Motion for Partial Summary Judgment of Validity of Claims 15 and 23 of the '598 Patent and Claims 1 and 23 of the '404 Patent," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C25	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Inverness's Shortened Reply Memorandum in Support of Motion for Summary Judgment of Validity of Claims 15 and 23 of the '598 Patent and Claims 1 and 23 of the '404 Patent," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C26	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Inverness's Cross-Motion and Consolidated Opposition to Acon's Motion for Partial Summary Judgment of Invalidity Against the Asserted Claims of the May Patents," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C27	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Inverness's Cross-Motion and Opposition to Acon's Motion for Partial Summary Judgment of Invalidity Against the Asserted Claims of the Davis '862 Patent," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C28	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Declaration of David F. Katz in Support of Plaintiffs' Opposition to Acon's Motions for Summary Judgment of Invalidity of the May and Davis Patents," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C29	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Non-Confidential Declaration of J. Anthony Downs, Esq., in Support of Motion for Summary Judgment of Validity of Claims 15 and 23 of the '598 Patent and Claims 1 and 23 of the '040 Patent and Exhibits and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	

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				Examiner Name	B. T. L. Nguyen
Sheet	4	of	4	Attorney Docket Number	ISA-048.06

BTN	C30	Inverness Medical Switzerland GmbH and Unipath Diagnostics, Inc. v. Acon Laboratories, "Consolidated Non-Confidential Declaration of J. Anthony Downs, Esq., in Support of Motion of Inverness's Reply Brief in Further Support of Motion for Partial Summary Judgment of Infringement of the Asserted Claims of the May and Davis Patents at Issue in Inverness's Motion and of Inverness's Reply Memorandum in Support of Motion for Summary Judgment of Validity of Claims 15 and 23 of the '598 Patent and Claims 1 and 23 of the '040 Patent and Exhibits," United States District Court, District of Massachusetts, Case No. 02-12303 PBS.	
BTN	C31	Letter of Opponent dated December 2, 2005, European Patent Office Boards of Appeal, Opposition against EP 0 560 411	
BTN	C32	German Patent Court Judgment Served on 7.6.2005 (translation of the original German document)	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/Bao Thuy Nguyen/ (11/08/2006)	Date Considered	11/08/2006
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Form PTO-1449		Docket Number (Optional) ISA-048.06 (Old Docket No. INMP-002-2)		Application Number 09/944,389			
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <i>(Use several sheets if necessary)</i>		Applicant Davis, et al.					
		Filing Date September 4, 2001		Group Art Unit 1641			
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
BTN	A1 6,485,982	11/26/02	Charlton, et al.				
BTN	A2 5,571,726	11/05/96	Brooks, et al.				
BTN	A3 5,514,602	05/07/96	Brooks, et al.				
BTN	A4 4,978,503	12/18/90	Shanks, et al.				
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
BTN	B1 0 250 137 B1	26.08.92	EP				
BTN	B2 0 170 375 B1	16.05.90	EP				
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